

PROB 12A
(7/93)

United States District Court

MEMO ENDORSED

for the

**SOUTHERN DISTRICT OF NEW YORK
Report on Offender Under Supervision**

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/29/2007**

Name of Offender: ALFRED SOTO

Docket Number: 07 CR 703

Name of Sentencing Judicial Officer: HONORABLE LAWRENCE E. KAHN, U.S. DISTRICT
JUDGE

Date of Original Sentence: SEPTEMBER 1, 2005

Original Offense: FELON IN POSSESSION OF A FIREARM(T18 USC 922(g)(1) AND (a)(2).

Original Sentence: FORTY(4) MONTHS IMPRISONMENT TO BE FOLLOWED BY THREE(3)
YEARS SUPERVISED RELEASE

Type of Supervision: TSR

Date Supervision Commenced: MARCH 23,
2007

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

Nature of Non-compliance

1. ON OR ABOUT SEPTEMBER 19, 12007, IN NEW YORK COUNTY, THE RELEASEE COMMITTED A STATE OFFENSE IN VIOLATION OF NEW YORK STATE PENAL LAW 220.03, CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE 7TH DEGREE IN THAT THE RELASEE WAS FOUND TO BE POSSESSION OF SEVEN(7) ZIPLOC BAGS OF CRACK /COCAINE IN HIS JACKET POCKET.
2. ON OR ABOUT JULY 31, 2007, AUGUST 15, 2007, AUGUST 22, 2007 SEPTEMBER 10, 2007 AND OCTOBER 4, 2007, THE RELEASEE USED A CONTROLLED SUBSTANCE, TO WIT COCAINE .

U.S. Probation Officer Action:

Upon release the offender was enrolled in our random urine surveillance program. Upon learning of the multiple positive urine specimens for cocaine the offender who is also on New York States Parole was referred for inpatient drug treatment at Cornerstone inpatient, NY, NY. Unfortunately, after two weeks of trying to enter the program he was unable to secure a bed. This officer then initiated a referral for Soto to enter inpatient drug treatment at Daytop Manor House. He entered the inpatient program on October 22, 2007.

Regarding the new offense, Soto denies the behavior as noted in the pending charges detailed in the criminal complaint under docket number 2007NY071178. According to the complaint , Soto was observed by New York City Police Officer Varshavskiy in a stairwell possessing a dollar bill with

some loose cocaine in it. Further, with the odor of marijuana emanating from the area, NYPD officer Varshavskiy arrested Soto. Upon apprehension seven (7) ziploc bags of crack/cocaine were found from his jacket pocket. Soto was released on his own recognizance. The next scheduled court date is November 21, 2007.

SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

The offender was originally sentenced on September 1, 2005, by the Honorable Lawrence E. Kahn, of the Northern District of New York. Jurisdiction transfer under docket number 07 CR 703, was assigned to Your Honor on July 30, 2007.

Upon his release from imprisonment on March 23, 2007, Soto maintained a stable residence with his mother at 65 West 96th Street, NY, NY. Further he was employed as a mover with Manor Moving. Soto's problems seem to have begun with the loss of his employment in late July. As of this date, five of Soto's urine specimens have returned positive for cocaine. To his credit Soto has reported as directed and has been cooperative with inpatient placement procedures.

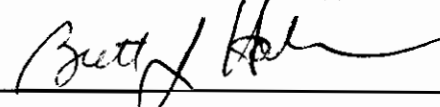
RECOMMENDATION AND JUSTIFICATION

In light of the offender's entrance into inpatient drug treatment at Daytop Manor House, at this time we recommend that no action be taken. This officer will continue to monitor the status of the pending case and should it result in a conviction this officer will notify the Court and recommend suitable sanctions.

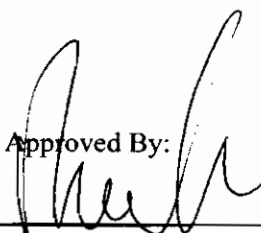
Respectfully submitted,

Chris J. Stanton
Chief U.S. Probation Officer

by


Brett J. Hale
U.S. Probation Officer
ext. 5121

Approved By:


Paul Wodshick Date 10/25/07

Supervising U.S. Probation Officer

JUDICIAL RESPONSE:

☒ Court approves U.S. Probation Officer's action(s)

or

U.S. Probation Officer is directed to:

- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other


10/24/07